IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 10.8.2006

Kehar Singh

...Appellant

versus

Darshan Singh and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.H.S.Baath, Advocate,
for the appellant.

UMA NATH SINGH, J.

Heard on CM No.10927-CII of 2006 in FAO No.2673 of 2005 (application for restoration of the FAO dismissed vide order dated 21.4.2006). On due consideration, for the reasons given in the application, it is, hereby, allowed and the FAO is restored to its original file.

FAO No.2673 of 2005

The appeal is taken up for preliminary hearing. Admittedly, filing of this appeal is barred by 2 years, 8 months and 13 days' delay and there is no explanation, much less to say sufficient cause, to condone the said delay. That apart, in this appeal by the owner of the vehicle against the recovery right given to the Insurance Company, it is submitted that the offending vehicle was sold out vide agreement but, admittedly, there is no compliance of the provisions of Section 50 of the Motor Vehicles Act, 1988, required to be done at the time of sale of the vehicle. Moreover, Hon'ble the Apex Court in the judgment reported in AIR 1998 SC 2276

(P.K.Ramachandran versus State of Kerala and another), has held that the Courts cannot extend the limitation on equitable ground.

Accordingly, we are not inclined to admit the appeal, and it is, hereby, dismissed on the ground of delay as well as on merits.

(UMA NATH SINGH)
JUDGE

August 10, 2006
pk

(S.D.ANAND)
JUDGE